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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,041	12/22/1999	WILLIAM NG	AND1P397	5695

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EXAMINER

CUFF, MICHAEL A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/470,041

Applicant(s)

Ng et al.

Examiner

Michael Cuff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 7, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jan 7, 2003 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9 6) ☐ Other:

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DETAILED ACTION

Drawings

1. Drawings filed, 1/7/03, are acceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 4-8, 10-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Odom et al.

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Odom et al. shows, figures 2 and 5, a real-time network exchange system with embodied computer program. Referring to figure 2, in step 205, commodity information is entered by the seller. (a form providing details on products or services) In step 210, the listing information is made accessible to the public. (submitting the form to prompt the submission of bids) This may include posting information on a world wide web page. (a site on the network) Bids are not transmitted to the host if they are irrelevant. In one embodiment, step 505, the system checks to see if the bidder is an authorized bidder. (authenticating an identity of the buyer, the bid is not processed to the seller if this is not done.) Irrelevant bids may be bids that are less than the current "best" bid. In order to determine if the bid is relevant or not, the system determines what the seller's goal is (categorizing or ranking based on a predetermined criteria) (price, location (geography), etc.) and then determines if the bid is more desirable to the seller than the current "best" bid. If it is, it replaces the "best" bid and the seller may be notified (displaying the categorized bids to the sellers) of the new highest bid. If it is not, the bid is disregarded. Notification may include a bid identifier, an amount and other information. New "best" bids may be broadcast to all participants in the exchange (receiving offers from the sellers and displaying the offers to the buyers). If a potential purchaser owns the "best" bid, he may also be notified of this status. In step 225, the negotiations between the seller and all bidding parties are concluded. Negotiations may be concluded by expiration of the predefined exchange time, through seller intervention, through a match being achieved or other events. In step 230, clearing process is performed (closing transaction).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odom et al., as applied in claims 2, 8, and 14, in view of Purcell.

Odom et al. shows all of the limitations of the claims except for specifying the use of an identifier and password for the buyer

Purcell teaches, figure 2, an automated and independently accessible inventory information exchange system. Once the system for managing the information is established, access must be facilitated to both sellers and buyers. As previously described, the host and manager of this system will want only those entities who are approved subscribers to have access. Therefore, an initial step of both sellers and buyers is to solicit authorization for admission into the system from the host administrator or access approvers 12 (for sellers), 15 (for buyers). In an Internet environment, this authorization will be sought electronically by accessing the website or access gates 13, 16 that act as an interface between the information management system and the outside world. After a buyer or seller is approved for access, they will be issued an identifier such as an identification number or name for use when seeking access to the management system through the

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website. As a further security measure and as is common to many access-upon-request systems, a complimentary password will also be issued that doubly insures that those parties accessing the information exchange system have been previously authorized by the host. (column 9, lines 14-33)

Based on the teaching of Purcell, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Odom et al. to incorporate the use of an identifier and password for the buyer in order to facilitate access to the buyers.

Response to Arguments

6. Applicant's arguments filed 1/7/03 have been fully considered but they are not persuasive.

Applicant asserts that Odom does not teach that buyers and sellers establish an agreement or conclude transactions. The examiner does not concur. The actual claim requires merely "closing transactions between the buyers and sellers utilizing the network". The Odom reference shows a system where trades (transactions) are completed (closed). Column 7 of Odom provides more details on Odom's "clearing process" including "the system provides insurance or a guarantee of the trade completion" (column 7, lines 7-8, closing between buyer and seller).

Applicant asserts that in the Odom system the buy and seller never come together to establish an agreement and therefore they also never come together to close the agreement. The examiner does not concur. Applicant is reading limitations into the claims which are not claimed. Mainly, the "agreement" which is not claimed and all the details of the agreement which applicant

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feels should be shown, but are not claimed. Odom meets the metes and bounds of the claim as broadly recited.

Applicant relies on the 35 USC 102 rejection falling to nullify the 35 USC 103 rejection. This has not occurred and the motivation and combination of the art has not been argued.

Conclusion


7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication should be directed to Michael Cuff at telephone number (703) 308-0610.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 872-9326. (After Final special fax number (703) 872-9327) The customer service number is (703) 872-9325.

 3/21/03
Michael Cuff
March 21, 2003